

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 United States of America,

5 Plaintiff

6 v.

7 Phillip Smith and Develle Rural Merritte,

8 Defendants
9

2:11-cr-00058-JAD-CWH

Order Directing Government Response

[ECF No. 258]

10 Defendant Phillip Smith pled guilty with a plea agreement to seven counts of Hobbs Act
11 Robbery and one count of conspiracy to commit Hobbs Act Robbery, and he is serving nearly 20
12 years for these offenses. That sentence is running concurrently with a state-court sentence.¹ Smith
13 has moved for an order directing the government agencies involved in the investigation of his crimes
14 to provide him a list of his property in their custody.² I could simply grant this motion because the
15 government failed to oppose it.³ But because I want the government's input on this issue, I direct a
16 response instead.

17 Accordingly, IT IS HEREBY ORDERED that **the government must respond to Smith's**
18 **Motion to Return Seized Property and for Manifest/Description of Which Items are in Federal**
19 **Custody [ECF No. 258] by Wednesday, November 22, 2017.**

20 Dated November 16, 2017

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22 
23 Jennifer A. Dorsey
United States District Judge

24 ¹ ECF No. 257.

25 ² ECF No. 258.

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27 ³ The government is cautioned that the court expects responses to motions filed in criminal matters
28 and, in the future, the court will not be so inclined to give the government an additional opportunity to respond.

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